

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERMELINDO ESCOBAR MONTIEL, et al.,

Plaintiffs,

-v-

SHAMROCK SALOON II LLC, et al.,

Defendants.

17 Civ. 5550 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On September 6, 2019 the parties submitted a proposed settlement agreement, Dkt. 74 (“Agreement”), in this Fair Labor Standards Act (“FLSA”) and New York Labor Law action in accordance with *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). On September 10, 2019, this Court reviewed and approved the Agreement. Dkt. 75.

On July 19, 2020, plaintiffs filed a letter-motion reporting that defendants had failed to make the first installment payment of the Agreement, due October 10, 2019, and requesting that the action be reopened. *See* Dkt. 81. The Court set the deadline for defendants’ opposition to August 7, 2020. Dkt. 82. Defendants did not file any opposition.

The Court is prepared to reopen the case and vacate the Agreement. If the plaintiffs wish to reopen the case and vacate the Agreement, they should submit a letter to that effect by August 21, 2020. In any letter so requesting, plaintiffs should propose an expedited schedule for the completion of pretrial proceedings. Defendants’ response, if any, to the proposed schedule is due August 25, 2020.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer", is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: August 18, 2020
New York, New York